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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

EDUARDO MANTILLA,

Petitioner, :

Crim. No. 91-254 (SRC)

Civ. No. 10-487 (SRC)

v. :

ORDER

UNITED STATES OF AMERICA,

Respondent. :

CHESLER, District Judge

This matter comes before the Court on the application by *pro se* Petitioner Eduardo Mantilla (“Petitioner”), for “a reduction of sentence . . . pursuant to 18 U.S.C. § 3582(c)(2)” [crim. docket entry 88.] Regardless of the title of Petitioner’s application, in substance, he requests further reconsideration of the Court’s prior Orders denying his requests to modify his sentence. In the current application, Petitioner argues that his re-sentencing on April 21, 1997, pursuant to Amendment 505 to the Federal Sentencing Guidelines, violated the *ex post facto* clause of Article 1 of the United States Constitution. The lawfulness of Petitioner’s 1997 re-sentencing (which, the Court notes, was initiated on motion by the Petitioner) was affirmed by the Third Circuit Court of Appeals, and has been exhaustively addressed in subsequent Orders and Opinions in both the criminal and civil dockets in this matter. Moreover, the statute under which Petitioner purports to file the within application, 18 U.S.C. § 3582(c)(2), is inapplicable to his assertion that his prior re-sentencing violated his constitutional rights; instead, that subsection provides that the court may, under certain circumstances, modify a term of imprisonment based on a sentencing range that has subsequently been reduced by the Sentencing Commission.

For these reasons,

IT IS on this 26th day of June, 2012,

ORDERED that Petitioner's application for a reduction of his sentence [Docket Entry No. 88] is **DENIED**.

s/ Stanley R. Chesler
STANLEY R. CHESLER
United States District Judge